IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE FIRST DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE N.V. RAMANA

WRIT PETITION NO : 22050 of 2004

Between:

Puramsetti Bapu, S/o. Ramaiah,
Chintaguda Gram Panchayat, Jannaram Mandal, Tq. Laxettipet,
Adilabad District.

..... PETITIONER

AND

1 The Collector, (Panchayat Wing), Adilabad.
2 The District Panchayat Officer, Adilabad.
3 The Divisional Panchayat Officer, Nirmal, Adilabad District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an appropriate Writ, order or direction, particularly one in the nature of Mandamus, declaring the proceedings No.690/K4.Pts/2004 dt. 18-11-2004 of the 1st respondent herein as illegal, arbitrary, unreasonable, contrary to the provision of Sec.249 of A.P. Panchayat Raj Act 1994 and also violative of Articles 14 and 21 of the Constitution of India and issue a consequential direction not to give effect to the same.

Counsel for the Petitioner:MR.M.RAJAMALLA REDDY

Counsel for the Respondents: GP FOR PANCHAYAT RAJ & RURAL DEV.

The Court at the stage of admission made the following :

ORDER:

The petitioner claims to be elected surpanch of the Chintaguda Gram Panchayat. A memo dated 24-9-2004 was issued to the petitioner alleging misuse of power, for which the petitioner has submitted his explanation. Thereupon, after conducting an enquiry the second respondent submitted a enquiry report holding that, no base of involvement of Sarpanch was noticed. While so, a show cause notice dated 14-10-2004 was issued to the petitioner calling for an explanation as to why he should not be removed from the post of Sarpanch under section 249 (6) of the A.P.Panchayat Raj Act, the petitioner stated to have filed a reply for the same. Thereupon, the impugned order dated
18-11-2004 was issued suspending the petitioner holding that the explanation offered by the petitioner is not convincing. Hence, the present writ petition.

Learned Government Pleader for Panchayat Raj submitted that as against the impugned order, a remedy of revision to Government is provided under section 264 of the Act and without availing such remedy, the petitioner has rushed to this Court by filing the present writ petition and the same is not maintainable.

Heard the learned counsel for petitioner and learned Government Pleader for Panchayat Raj. Both counsel agreed for disposal of the writ petition at the stage of admission.

Since an alternative remedy of revision is provided under the Act as against the impugned order, without expressing any opinion on the merits of the matter, I deem it appropriate to permit the petitioner to file a revision, as provided under section 264 of A.P.Panchayat Raj Act. On filing such a revision petition, the Revisional Authority shall consider the same and pass appropriate orders in accordance with law.

Subject to above observation, the writ petition is dismissed at the admission stage.

_____ **N.V.RAMANA,J**

1-12-2004.

TVK

ASSISTANT REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1 The Collector, (Panchayat Wing), Adilabad.
2 The District Panchayat Officer, Adilabad.
3 The Divisional Panchayat Officer, Nirmal, Adilabad District.

4. 2CCs to G.P. for Panchayat Raj & Rural Development, A.P.High Court Buildings (OUT).

2.2CD copies

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THE HON'BLE MR JUSTICE N.V. RAMANA

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Date: 1-12-2004